

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Applicant notes that in the listing of claims, there was no claim 24. Therefore, Applicant has renumbered the claims to correct this omission. Claim 11, 20, and 24-35 were amended. Claim 32 (previously claim 33) was amended only to correct a grammatical error in accordance with the preamble of claim 31. Claims 11-35 are pending.

Claims 11-19 were rejected under 35 U.S.C. §102(e) as being anticipated by 2004/0194627 to *Huang*. Applicant hereby resubmits the declaration pursuant to 37 CFR §1.131 evidencing that the claimed invention was conceived prior to September 8, 2003, which is the effective 102(e) date for the *Huang* reference. Accordingly, the *Huang* reference does not qualify as prior art.

Claims 11-17, 19-21, 23-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Coffinberry* (4020632) in view of either *Sauer* (6604558) or *Spadaccini* (6315815) and optionally in view of *Mullin* (4879052). As discussed in Applicant's previous response, Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Coffinberry* by the cited references as proposed. ***As admitted by the Examiner, Coffinberry fails to disclose or suggest deoxygenated fuel.*** The Examiner therefore utilizes as the primary reference that which is but a conventional gas turbine engine oil cooling system. As noted by the Examiner, *In re Oetiker* requires that "in order to rely on a reference as a basis for rejection of an Applicant's invention, the reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." One would simply never look to the field of ground based aircraft fuel inerting filling systems for an airport to provide a method of thermal management for a gas turbine engine which ***must inherently operate while the gas turbine engine is operating and the aircraft is in flight.***

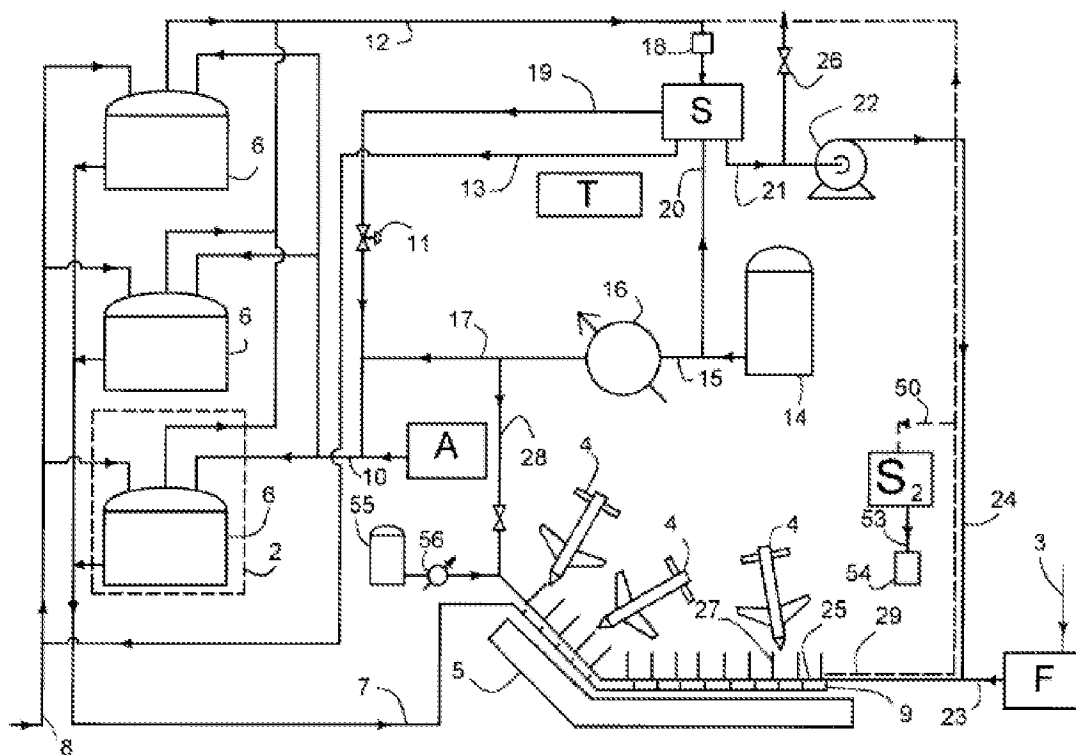


Fig. 1

As illustrated in *Sauer* Figure 1, *Sauer* is concerned with an entire airport and multiple aircraft, such ground based infrastructure is not reasonably pertinent to the particular problem that Applicant has solved. Such a combination cannot be upheld.

Claims 11-17 and 19-36 were rejected under were rejected under 35 U.S.C. §103(a) as being unpatentable over *Coffinberry* (4020632) in view of either *Sauer* (6604558) or *Spadaccini* (6315815) and optionally in view of *Mullin* (4879052) and further in view of *Smith* (6182435). It is again noted that the Examiner is utilizing a relatively significant number of references in this rejection. Although not dispositive, such numerous references actually suggest that the Applicant's invention is unobvious and that the Examiner is improperly utilizing hindsight. The goal of the examination is to clearly articulate any rejection early in the prosecution process so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. [MPEP 706]. Here again, the usage of such numerous references in such a generic manner against so many claims does not permit the Applicant to provide specific evidence of patentability other than generally arguing against the propriety of the combination. Again with

claim 18, the Examiner needs to utilize yet another reference in an attempt to support the rejection. Such sweeping combinations with such a multiple of references further substantiates Applicant's point that the Examiner is improperly utilizing hindsight reasoning. Nonetheless, Applicant has amended claims 11, 20, and 32 to more specifically recite that the deoxygenation occurs on-board the vehicle. Thus, even under the Examiner's overly broad interpretation, *Sauer* cannot meet this additional claim limitation. Thus, even if the combinations were proper – which they are not – Applicant's amended claims are properly allowable.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,
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